

## CITY OF PRESCOTT, WISCONSIN

### ORDINANCE 02-24, an Ordinance Adding 635-9 D. Small-box discount stores.

#### The City Council of the City of Prescott, Wisconsin, Does Ordain as Follows:

**Section 1:** The Chapter 635-9 D. Small-box discount stores is added as follows:

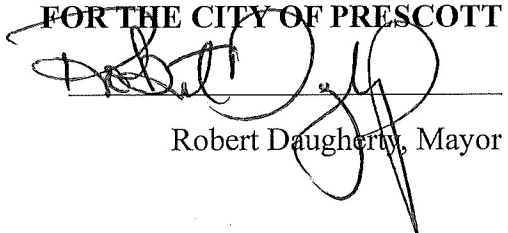
#### § 635-9 D. - Small-box discount stores.

- (1) **Definitions.** *Small Box discount retail store means a retail store characterized by the following:* Sixteen thousand (16,000) square feet or less in size; offers, for sale, a variety of convenience shopping goods (e.g. household products, cleaning supplies, paper goods, plasticware, health/beauty products, party supplies, toys, prepackaged food, novelty items, seasonal goods, impulse products, etc.); continuously offers its inventory for sale at a price lower than traditional retail stores; and a limited service environment. "Small box discount retail store" does not mean a retail store that contains a pharmacy, sells gasoline or diesel fuel, or primarily sells specialty food items including meats, seafood, cheese, or oils and vinegars.
- (2) **Purpose and findings.** Small box discount retail stores provide a valuable service to the residents and patrons of the City of Prescott but also exhibit some negative relationships with public health, safety and welfare. Studies have shown that small box discount retail stores exhibit some negative relationships with public health, safety, and welfare, especially when located in proximity to convenience stores. Small box retail stores have also been stated to be a cause of economic distress. The City of Prescott seeks to ameliorate those negative relationships and harmful effects via the regulations contained in this ordinance.
- (3) **Distance requirement.** No small box discount retail store shall be permitted within seven thousand (7000) feet of any existing small box discount retail store or convenience store. For purposes of this subsection, distance shall be measured from the nearest property line of the subject property to the nearest property line of any property on which an existing small box discount retail store or convenience store is located.
- (4) **Supplemental Regulations.**
  - (a) The following supplemental regulations shall apply to all small box discount retail stores:
    - (i) A minimum of ten (10) percent of the sales floor area must be dedicated to the sale of lean proteins, healthy grains, fresh or frozen meats, fruits, vegetables, and/or dairy products.
    - (ii) A customer service phone number for reporting customer complaints related to business operations and upkeep shall be posted and displayed inside and outside the establishment.
  - (b) In addition to the supplemental regulations set forth in subsection (4)(a), the following supplemental regulations shall apply to standalone small box discount retail stores:

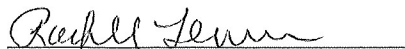
- (i) Standalone small box discount retail stores must comply with all applicable code provisions, including but not limited to the design standards set forth in this chapter, except as provided herein.
  - (ii) The exterior of the premises shall be adequately illuminated from sunset to sunrise. A photometric lighting plan must be provided.
  - (iii) Dumpsters, waste, recyclables, and waste management equipment shall be enclosed.
- (c) In addition to the supplemental regulations set forth in subsection (4)(a), the following supplemental regulations shall apply to small box discount retail stores located in shopping plazas or multi-tenant buildings:
- (i) No small box discount retail store shall be an anchor establishment within a shopping plaza or mixed-use building. Anchor establishment means the largest retail establishment within a shopping plaza or mixed-use building.
  - (ii) This provision shall not apply to a small box discount retail store that dedicates at least twenty-five (25) percent of the sales floor area to lean proteins, healthy grains, fresh or frozen meats, fruits, vegetables, and/or dairy products.
- (5) **Legal nonconforming use.** Any currently existing small box discount retail store operating pursuant to a valid business license and certificate of occupancy issued prior to the effective date of this chapter shall be a legal, nonconforming use and/or structure as defined in Prescott City Ordinance 635-50, and shall be exempt from the provisions of this section.

**Section 2.** Effective date. This ordinance amendment shall take effect from and after its date of publication as provided by law.

FOR THE CITY OF PRESCOTT

  
Robert Daugherty, Mayor

ATTEST:

  
\_\_\_\_\_

Rashel Temmers, City Clerk

Introduced: 4/8/2024

Adopted: 5/13/2024

Published: 5/22/2024

Effective: 5/24/2024